IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

THURSDAY, THE 30TH NOVEMBER 2006 / 9TH AGRAHAYANA 1928

Crl.Rev.Pet.No. 4237 of 2006()

CRA.468/2004 of ADDL. SESSIONS COURT, THRISSUR
ST.9450/1998 of JUDL. MAGISTRATE OF FIRST CLASS COURT, IRINJALAKUDA

REVN. PETITIONER: APPELLANT/ACCUSED

K.L.JOY, S/O.LAZAR,
KALLIKKADAN HOUSE, KARUVANNUR,
THRISSUR DISTRICT.

BY ADV. SRI.SASTHAMANGALAM S. AJITHKUMAR
SRI.RENJITH B.MARAR
SRI.DILEEP P.PILLAI
SMT.LAKSHMI RENJITH
SRI.T.K.SUJITH

RESPONDENTS: STATE OF KERALA AND COMPLAINANT
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1. STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. KOCHU KHADEEJA,
W/O.RASHEED ALI, AYYARIL HOUSE, AZHIKKODE,
KODUNGALLUR.

R2 BY ADV. SRI.RAJEEVKUMAR.K.S
PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 30/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T. SANKARAN, J.

Crl.R.P.NO. 4237 OF 2006

Dated this the 30th day of November,2006

O R D E R

The second respondent/complainant filed a complaint against the petitioner under Section 138 of the negotiable Instruments Act in S.T.NO.9450 of 1998, on the file of the Court of the Judicial Magistrate of the First Class, Irinjalakuda. The trial court as per the judgment dated 10.1.2003,acquitted the petitioner/accused. The complainant filed Crl.A.No.879 of 2003 before this Court, which was disposed of on 18.3.2004, directing the trial court to dispose of the matter afresh. After remand, the trial court convicted the petitioner/accused and he was sentenced to undergo simple imprisonment for a period of three months. The accused was also directed to pay an amount of Rs.90,000/- to the complainant as compensation under Section 357(3) of the Code of

Criminal Procedure and in default, to undergo simple imprisonment for a period of two months. The petitioner challenged the conviction and sentence in Crl.A.No.468 of 2004, on the file of the Court of Sessions, Thrissur. The Appellate Court allowed the appeal in part and the sentence of imprisonment was reduced to simple imprisonment for a period of one month. The default sentence of two months imposed by the trial court was reduced to simple imprisonment for a period of fifteen days. The Criminal Revision Petition is filed challenging the conviction and sentence as imposed by the Appellate Court.

2. Crl.M.Appl.No.12257 of 2006 was filed by the parties under Section 147 of the Negotiable Instruments to compound the offence and that application was allowed.

3. In the result, the Criminal Revision Petition is allowed, the conviction and sentence imposed on the petitioner are set aside and the petitioner is acquitted under Section 320(8) of the Code of Criminal Procedure.

(K.T.SANKARAN)
Judge

ahz/

K.T. SANKARAN, J.

Crl.M.A.NO. 12257 OF 2006

Dated this the 30th day of November,2006

O R D E R

This is an application under Section 147 of the Negotiable Instruments Act, seeking to compound the offence under Section 138 of the Act. The application is signed by the revision petitioner/accused and the second respondent/ complainant. It is stated that the matter is settled between the parties and that the amount covered by the cheque has been paid. Hence the application is allowed.

(K.T.SANKARAN)
Judge

ahz/

K.T. SANKARAN, J.

Crl.M.A.NO. 12254 OF 2006

Dated this the 30th day of November,2006

O R D E R

This is an application for condonation of the delay of 329 days in filing the Revision. Perused the records and the judgments of the courts below. In view of the fact that the dispute between the petitioner/accused and the complainant have been settled and an application is filed under Section 147 of the Negotiable Instruments Act, I am of the view that the delay can be condoned and the Crl.R.P can be numbered. In these circumstances, the delay is condoned. Number the application as well as the Revision.

(K.T.SANKARAN)
Judge

ahz/